

Part 5

Proving Continuing Eligibility

69 How long will I get benefits before I have to reapply (recertify)?

Once DTA decides you are eligible for food stamp/SNAP benefits, it will approve or “certify” you for a certain number of months. This is called your “certification period.” You need to reapply or “recertify” at the end of this time frame to continue getting benefits.

The length of your certification period

Certification periods are based on your household situation:

- If you are receiving Bay State CAP benefits, your benefits will be certified for *36 months*. 106 C.M.R. § 366.910(J). See **Question 4**.
- If your household includes adults who are all elders (age 60+) or persons with disability *and* have stable income (such as SSI or Social Security), your food stamp/SNAP benefits are certified for *24 months*. 106 C.M.R. § 364.700(B).
- All other households are generally certified for *12 months*, 106 C.M.R. § 364.700(A), with the following exceptions:
 - expedited benefit household—certified for 1-2 months (if no follow-through on the regular application and verifications);
 - transitional benefits alternative (TBA)—certified for 5 months;
 - non-citizens awaiting verification of work history quarters from SSA—certified for 6 months.

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Reporting changes

The rules also vary on when you need to report changes that occur during your certification period. It depends on whether DTA puts you on change reporting, semi-annual reporting, or if you are getting TAFDC benefits or just lost your TAFDC benefits. **Questions 71 through 75** discuss these different rules.

What happens at the end of your recertification period

When your certification period ends, your food stamps/SNAP will stop unless you reapply or “recertify” for benefits. About 45 days before the end of your certification period, DTA will send you a notice and a recertification form to fill out. 106 C.M.R. § 366.310. The form will be pre-filled with the information DTA has about your household including the names, SSN, citizenship and date of birth of all members, your address, your shelter costs and medical expenses. You need to tell DTA if you have new household members, if people have left, if you have moved, if your expenses have changed. You also need to tell DTA about your current income and dependent care expenses.

When it is time to recertify, you need to take *three* steps:

- Fill out, sign, and return the recertification form and;
- Send in verifications of anything that has changed, as well as copies of your most recent wage stubs or other recent proof of income; and
- Be available for interview with a DTA worker (usually done by phone unless you want one in person or there is some good cause reason for you to go to DTA). See **Question 70**. DTA will schedule the interview directly.

DTA should give you enough time (usually 20 days)to complete and return the recertification process to continue getting food stamp/SNAP benefits. 106 C.M.R. § 366.320(A). *If you do not return the form*, your benefits will end. There are no additional notices from DTA. If you get the form back after the DTA deadline, you may have an interruption in benefits.

Continued benefits

If you complete the recertification process timely, DTA must make sure your benefits continue on the usual schedule without interruption. If for some reason your deadline to recertify is after the end of your current

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certification period, you will get benefits for the full month, not just a portion of the month, once you are recertified. 106 C.M.R. § 366.330 (B).

- DTA has an important policy in place to protect households from loss of benefits managing the huge growth in the Massachusetts food stamp/SNAP caseload. DTA will not terminate benefits if you return a completed SNAP recertification form before the end of its certification period—even if DTA cannot fully process your recertification right away. See DTA’s Field Operations Memo 2009-29.

Getting a closed case reopened

Suppose you completed your recertification form and had an interview, but you did not get all of your proofs in before your recertification deadline (for example, you did not send in any wage stubs). If your case closes because of the missing proofs, you can ask DTA to reopen your case as long as: (a) you started recertifying before the deadline, and (b) you get your proofs in within 30 days of the date your case closed. You do not have to start a new application. 106 C.M.R. § 361.700(B)(2). This reopening rule applies to both applications and recertifications since a recertification is, in fact, a new food stamp/SNAP application. If *more than 30 days* has elapsed since the end of your certification period, it’s best to reapply.

Additional Policy Guidance on Certification Periods: • Re-certification forms pre-filled with household member information, address, shelter costs, child care, medical expenses; no need for household to re-verify most eligibility factors or expenses that have *not* changed. F.O. Memo 2010-03 (Jan. 19, 2010) • No termination of benefits at end of certification period if DTA receives a “completed” recertification form, even if interview and mandatory verifications not received. F.O. Memo 2009-29 (May 20, 2009) • Households where all adult members are elder (60+) or disabled assigned 24-month certification periods, even if household includes children. F.O. Memo 2009-38 (June 25, 2009) • DTA will send an “interim contact” notice to elder/disabled households on 24-month certification periods and self-employed households on 12-month cert periods to remind them to report changes. F.O. Memo 2009-31 (May 27, 2009) • DTA guidance instructing workers to extend certification periods as long as possible; adds self-employed, FS/ET and FS/WP and “unstable” households to the 12-month certification periods. F.O. Memo 2008-14 (March 19, 2008) • Closed food stamp/SNAP case must be reopened if missing verifications received within 30 days of termination, no need for household to file a new food stamp/SNAP application. F.O. Memo 2006-20 (April 21, 2006) • Recipient who reports no changes in semi-annual report not required to re-verify eligibility factors that have not changed. F.O. Memo 2010-55 (Nov. 23, 2010), F.O. Memo 2007-39 (July 13, 2007), Transitions Hotline Q&A (Nov. 2005). • DTA guidance on returned mail from recipients, DTA to try to reach client before adverse action taken. F.O. Memo 2008-22 (April 30, 2008)

70 Do I need to have an interview to continue benefits?

Most households are required to have an interview as part of the recertification process. 106 C.M.R. §§ 366.320(B), 366.330(A). The interview, usually done by phone, should be scheduled once the recertification form is received. The same procedures for scheduling the interview and sending a notice of missed interview apply in recertification interviews as well as initial application interviews. See **Question 6**.

No interview for certain elder/disabled households

DTA was granted a federal waiver in 2009 that allows the DTA worker to completely *skip the recertification interview* for elder/disabled households where:

- The household has no earned income;
- The recertification form was received timely and is complete; and
- The household has sent in mandatory verifications needed for eligibility factors that have changed, such as income, immigration status, residence, etc. (If optional verifications are missing—for example, for shelter or medical expenses—the household is not required to have an interview.)

Under those conditions, DTA will send out a verification checklist for any missing optional verifications and call the household to see if it needs help, but will not conduct a regular interview unless the household requests an interview or unless the information provided in the recertification form is questionable. (As of the issuance of this January 2011 Guide, this waiver has been temporarily suspending pending systems fixes).

Additional Policy Guidance on Certification Interviews: ●

Implementation of USDA granted waiver—no interview required for elder/disabled households with no earnings who submit completed recertification forms. F.O. Memo 2009-64A (Nov. 23, 2009) ● Temporary suspension of interview waiver for elder/disabled households. F.O. Memo 2010-51 (Nov. 1, 2010)

71

When do I have to report changes during a certification period?

There are four different reporting rules, depending on your situation:

- Some households have to report only every six (6) months unless their income goes over the gross income limit for the household. This is called “semi-annual reporting.” See **Question 72**.
- Some TAFDC households have to report every month. This is called “monthly reporting.” 106 C.M.R. § 366.110(D). The report information is used to calculate their food stamp/SNAP benefits as well as TAFDC benefits. See **Question 73**.
- TAFDC households whose benefits terminate are often put on five months of food stamp/SNAP benefits, known as the Transitional Benefits Alternative or TBA. They do not have to report changes during this five-month TBA window. See **Question 74**.
- If you are not on semi-annual reporting, monthly reporting, or getting five months of TBA benefits, you have to report changes that affect food stamp/SNAP benefits *within ten (10) days* after you learn about the change. This is called “change reporting.” See **Question 75**.

72 What is semi-annual reporting?

Semi-annual reporting means that you do *not* have to report income, household or expense changes to DTA during the six month period you are approved for benefits, you *only have to report changes at twice a year* (semi-annually!) While some households have to report changes within 10 days of when they happen, households certified on semi-annual reporting do not!

There is one very important exception to this rule: You must report *during the six-month period* if your income—including income of anyone who moves into your household—goes over the gross income limit for your household. 106 C.M.R. § 366.110(C)(3). See **Appendix B, Charts 2 and 3**. If your income goes above the gross income limits, you must report this change right away—*within ten (10) days* following the month that the change becomes known to you. When you are approved for semi-annual reporting, DTA will send you a notice explaining the rules and what level income you must report.

The households that are usually put on semi-annual reporting are *households that have earned or unearned income or history of income*—other than income from TAFDC or EAEDC cash assistance or self-employment—and *homeless households*. 106 C.M.R. § 366.110(C).

Reporting changes even if not required

Even though you are not required to report changes (as long as your income stays below the gross income limit), it may help to do so. If your income goes down or your expenses go up, DTA is required to act on the information you report and increase your food stamp/SNAP benefits. 106 C.M.R. § 366.110(C)(4)(a)(2). On the other hand, if you report an increase in income goes up or decrease in rent or other expenses, DTA will not reduce your benefits during the semi-annual reporting period. You will continue your benefits at the current amount and *not* decrease them. 106 C.M.R. § 366.110(C)(4)(a)(1). This is the best of both worlds! Again, the only time DTA can stop benefits is when your gross income goes above the gross income test for your household.

Example: Suzyn is on semi-annual reporting and is not required to report any changes for the next five months. The first month of her

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semi-annual period, she was working 30 hours a week. The second month, her employer reduced her time to 20 hours a week. If Suzyn reports the drop in earnings, DTA will recalculate her food stamp/SNAP benefits using her lower wages. Suzyn will get more benefits because she reported the change in income. Her benefits will stay at the higher level, even if her employer increases her hours next month!

Example: In this case, Suzyn is still working 30 hours a week. She takes on another job for an additional 10 hours a week. Suzyn is also paying less rent as she was just approved for a subsidy. Her total gross earnings are still below the gross income test (200% FPL) for her family of four. She reports to DTA both the increased income and reduced shelter cost changes. DTA will not reduce her benefits until the start of the next semi-annual reporting period. DTA will then recalculate her benefits at the next reporting period using the income and expenses she reports at that time.

What happens at the end of the semi-annual period

Before the end of your six-month semi-annual period, DTA will send you a form to report changes. This form will be preprinted with the information in DTA's records. You should update the information in the form, fill in any blanks (like your earnings) and send it back to DTA with required proofs (including your most recent pay stubs). DTA will schedule an interview with your DTA worker (usually done by phone). See **Question 6**.

If you do not send this form back or fail to send the proofs, your benefits may stop. However, if you get missing proofs in within 30 days of the date that your case closes, your case should be reopened.

Which households do not have semi-annual reporting

- Households where all members are elderly or disabled with no earned income, or households which have never had any income source;
- Households where one or more members get TAFDC and must submit monthly income reports, or get TAFDC under a time-limit extension;
- Households with self-employment income; and
- Households getting five months of Transitional Benefits Alternative (TBA), after which they should then go on semi-annual reporting.

See 106 C.M.R. § 366.110(C)(1).

Advocacy Reminders:

- ✓ It's a good idea for household to report changes in income or expenses even if on semi-annual reporting. If household income goes down or expenses go up, DTA will increase the benefits. However, if income is higher or expenses lower, DTA will not lower the food stamp/SNAP benefit amount (unless the income exceeds the gross income limit).
- ✓ For any households subject to an overpayment for failure to report a change in income or household status, be sure to check if the household was on or DTA should have been them put on semi-annual reporting. There is no overpayment for failure to report changes during the semi-annual period, unless the income exceeded the gross income limit.
- ✓ Able bodied adults without dependents (ABAWDs) should be put on semi-annual reporting if they have income or a history of income, or are homeless. Because ARRA suspended the ABAWD work rule, these individuals are not required to be on change reporting.

Additional Policy Guidance on Semi-Annual Reporting: • Re-certification forms pre-filled with household member information, address, shelter costs, child care, medical expenses; no need to re-verify most eligibility factors or expenses that have not changed. F.O. Memo 2010-03 (Jan. 19, 2010) • New verifications are not required if *no changes* reported in household expenses at USB time. If a change in expenses (shelter, medical) is reported without documentation, the expense will be zeroed out in the calculations. F.O. Memo 2010-55 (Nov. 23, 2010), Transitions Hotline Q&A (Nov. 2005) • Applicant awaiting decision on Unemployment Insurance claim should still be put on semi-annual reporting; worker should open the case without counting the UI income if decision on UI claim not made by day 29. Transitions Hotline Q&A, (April 2004).

73 What is monthly reporting?

If you are a TAFDC recipient and someone in your household has income from a job or worked in the past two months, you may have to turn in a report form every month to keep getting cash and food stamp/SNAP benefits. 106 C.M.R. §§ 366.110(D), 702.900-702.980. Your monthly food stamp/SNAP and TAFDC benefits are then calculated based on the income reported on these forms. There is no monthly reporting in food stamps/SNAP if you are not getting TAFDC.

DTA mails these forms directly to you. They have to be filled out completely and turned in with pay stubs within 20 days of when they were mailed to you for you to keep getting your benefits on time. Be sure to ask for help from DTA if you do not understand the forms. See MLRI's **TAFDC Advocacy Guide** for more information on monthly reporting.

74 What are “TBA” benefits and reporting rules for former TAFDC recipients?

If your family was receiving TAFDC and your benefits—due to earnings, voluntary case closing, or most reasons other than a TAFDC program sanction—you will *automatically get five months of food stamp/SNAP benefits*. The amount of food stamps/SNAP you get will be calculated using *only* the income you had in the month your TAFDC benefits stopped, *excluding your TAFDC cash grant*. DTA will also **not count new income** you receive after your TAFDC case closes, such as new earnings or child support. This special benefit is called the Transitional Benefits Alternative or “TBA.” 106 C.M.R. § 365.190

Example: Samantha M. receives \$433 monthly in TAFDC for herself and her two children, plus \$300 in Social Security Survivors Benefits. They have no deductions other than the standard deduction. Their food stamp/SNAP benefits are \$286 a month. Samantha starts working at a job that pays \$800 a month and asks DTA to close her TAFDC case. Under TBA, DTA recalculates Samantha's benefits counting only the \$300/month in Social Security Survivors Benefits. DTA excludes the terminated TAFDC income and excludes the new income from her new job. Their benefits will be \$416 a month for five months.

During the five-month TBA period, you are *not* required to report any changes in your household. However, you have the option to report changes and if you report a change that could *increase* your benefits (such as loss of income or the addition of a household member), DTA is required to act on that change and recertify your benefits to the higher amount. You will no longer be a TBA household. See 106 C.M.R. § 366.110(B).

Once the five-month TBA period ends, DTA should switch your household to semi-annual reporting.

Additional Policy Guidance on TBA: • For a list of the TAFDC case closing reasons which result in TBA benefits, see BEACON User’s Guide Appendix B and Transitions Hotline Q&A, June 2006. • Households that report a change during the TBA period that triggers an increase in benefits will be approved for the higher amount and put on a regular certification period. The household is no longer a TBA household. Transitions Hotline Q&A, March 2005.

75 When do I have to report changes if I am on change reporting?

“Change reporting” means you are required to report any changes within *ten (10) days* of when you learn of the change. 106 C.M.R. § 366.110(A). Most households with elder or disabled members are certified for 24 months of food stamp/SNAP benefits are put on “change reporting” because they tend to not have a lot of changes in terms of moving around, household members or income.

Change reporting requires you to report changes in income (of earned income of more than \$100 per month, or unearned income of more than \$50 per month); changes in source of income (e.g., you switch jobs); and changes in shelter costs, household composition, and child support payments. You must report these changes that might affect your eligibility for or the amount of your benefits (if you are not sure, it is safer to report).

If you are on change reporting, you can report changes by mailing or faxing a change report form or other letter to DTA, by telephoning your DTA worker, or going to DTA in person. Be sure to keep a copy of what you send and make a note about any telephone call or meeting. If you fail to report a change that would result in a decrease in benefits, you may face over-issuance and fraud changes. See **Part 7**.

In some cases DTA receives information about a change in your household due to returned mail, information from the Department of Revenue regarding income or a new job, unreported unearned interest income through Internal Revenue Service, a Registry of Motor Vehicle check, or other sources. As a condition of receiving benefits, DTA checks your information with other government sources available to them and your case may also be subject to a random quality control reviews by USDA. 106 C.M.R. § 360.600. If DTA

receives information that was not already reported by you, they should contact you to discuss before denying or terminating your benefits.

Additional Policy Guidance on Reporting Changes • Instructions on IRA matches for unearned interest income done through the IRS data match and handling of discrepancies centrally. DTA must contact the household for discrepancies, request verifications and reopen a closed case if verification is received after date of closing. F.O. Memo 2008-21 (July 18, 2008), F.O. Memo 2007-37 (Aug. 1, 2008).

76 Will my benefits continue if I stop getting cash welfare or SSI?

Your food stamp/SNAP benefits should not stop just because your cash assistance stops.

If everyone in your household was receiving TAFDC, and the TAFD stops, you may qualify for Transitional Benefits Alternative. See **Question 74**.

If you were getting other cash assistance that stops – like EAEDC or SSI – DTA should recertify your food stamps/SNAP based on the new circumstances if DTA has enough information and you are financially still eligible for benefits.

If DTA does not have enough information after your cash assistance stops in order to recertify your benefits, they should send you a notice closing your food stamp/SNAP case the month after the month of the notice, and will tell you that you need to recertify (reapply) for benefits. 106 C.M.R. § 365.170(B). The notice DTA sends you must also say that if you recertify (reapply) 15 days before your benefits stop, your benefits will continue without interruption. You may be able to recertify by mail. You may be subject to different work rules if you are no longer receiving cash assistance. See **Questions 36-38**.

Advocacy Reminder:

- ✓ If your food stamp/SNAP benefits stop for some reason (maybe you did not recertify on time), you can reapply at any time.

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How soon should DTA increase my benefits if my income drops, expenses go up, or a person joins my household?

If your foods stamp/SNAP benefits are supposed to go up because of a change in your household circumstances, DTA must increase your benefits by the next month after the date you reported the change to the Department. 106 C.M.R. § 366.120(B).

You will need to give DTA proofs of your new income, expenses, or other changes. However, DTA should not wait until it receives these proofs to increase your food stamps/SNAP. 106 C.M.R. § 366.120(D).

For example, if you usually receive your benefits on the 1st of the month, and on December 18th you tell DTA that your income is going down by \$40 a month, your January 1st benefits should be higher. You will need to give DTA proof of your change in income by the middle of January, or else your February food benefits will go down again. If you didn't tell DTA about your change in income until December 26, your benefits would not increase until February.

You may be eligible for supplemental food stamp/SNAP benefits in addition to increasing your ongoing benefit amount in the future. If your net countable income after deductions drops to zero, you are eligible for supplemental food stamps/SNAP in the same month you report the change. 106 C.M.R. § 366.120(A)(1).

If you report a new household member or a change in income of \$50 or more, DTA must adjust your food stamp/SNAP benefits effective with the first payment you are due ten days after you reported the change. If you report the change after the 20th of the month and it is too late in that month to increase the next month's payment, DTA must authorize supplemental food stamps/SNAP so that you get the increase by the tenth day of the following month or on your normal issuance date, whichever is later. 106 C.M.R. § 366.120(A)(2).

If you receive TAFDC and are on monthly reporting and your income from any source other than TAFDC stops, the income from the terminated

source should not be counted in figuring your food stamps/SNAP. If you report the change fewer than ten days before you are supposed to get your next benefit payment, DTA may count the income in figuring your regular payment that month, but must issue you extra food stamps/SNAP for that month. 106 C.M.R. § 366.120(D).

Advocacy Reminder:

- ✓ Even if you are on semi-annual reporting or the Transitional Benefits Alternative and do not have to report, you should report changes that might increase your benefits.

78 How soon will my benefits go down due to changes in my income, expenses, or household size?

If your food stamp/SNAP benefits will go down or end because of a change in your circumstances, in most cases DTA should send you a written notice within ten days of the date that you reported the change. 106 C.M.R. § 366.120(C). DTA must give you at least ten days notice that your benefits will change. Your benefits will not be decreased or stopped until this ten day period has finished. 106 C.M.R. § 366.200.

Example: Mary Jones usually receives her food stamps/SNAP on the 2nd of the month. On November 15, she reports an increase in income. By November 25, DTA must send her a written notice that her benefits will go down. DTA cannot reduce her benefits until December 5, when ten days will have passed. Since Mary will already have received her December food stamps/SNAP on December 2, her benefits will not be decreased until January.

Sometimes, DTA does not have to give you ten days notice of a change. See 106 C.M.R. §§ 366.210, 106 C.M.R. § 366.215. In these situations, your benefits can be reduced or ended right away. 106 C.M.R. § 366.120(C). You still have the right to appeal. See **Part 6**.